

CITY OF POMPANO BEACH
Broward County, Florida

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A BEACH STORM DAMAGE REDUCTION CONSENT OF USE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO THE EMERGENCY FLOOD CONTROL AND COASTAL EMERGENCY PROJECT; PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That a Consent of Use Agreement between the City of Pompano Beach and Board of County Commissioners of Broward County, Florida relating to the emergency flood control and coastal emergency project, a copy of which Agreement is attached hereto and incorporated by reference as if set forth in full, is hereby approved.

SECTION 2. That the proper City officials are hereby authorized to execute said Agreement between the City of Pompano Beach and Board of County Commissioners of Broward County, Florida.

SECTION 3. This Resolution shall become effective upon passage.

PASSED AND ADOPTED this 12th day of November, 2019.



REX HARDIN, MAYOR

ATTEST:



ASCELETA HAMMOND, CITY CLERK

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BEACH STORM DAMAGE REDUCTION
CONSENT OF USE

GRANTORS: CITY OF POMPANO BEACH
100 W. Atlantic Boulevard
Pompano Beach, Florida 33060

GRANTEE: BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FL,
a political subdivision of the State of Florida
115 S. Andrews Avenue
Fort Lauderdale, Florida 33301

DATE: November 14, 2019

In consideration of the sum of One Dollar (\$1.00) and other valuable considerations, receipt of which is acknowledged, Grantor grants, to the fullest extent of its interest, to Grantee, its agents, successors, and assigns, consent of use in, on, over, and across the land described in Exhibit "A" for use by the Board of County Commissioners of Broward County, Florida ("County"), its representatives, agents, contractors, and assigns, to construct, preserve, patrol, operate, maintain, repair, rehabilitate, and replace a public beach and dune system and other erosion control and storm damage reduction measures together with appurtenances thereto, including the rights: to deposit sand; to accomplish any alterations of contours on said land; to construct berms and dunes; to nourish and renourish periodically; to move, store, and remove equipment and supplies; to erect and remove temporary structures; and to perform any other work necessary and incident to the construction, periodic renourishment, and maintenance of the Broward County Shore Protection Project, together with the rights: of public use only on the portion of Grantors' property described in Exhibit "A;" to plant vegetation on said dunes and berms; to facilitate preservation of dunes and vegetation; to remove from said land debris and obstructions within the limits of the easement all in support of and in accordance with the authorized federal Broward County Shore Protection Project – Segment II reserving, however, to the Grantor, its heirs, successors, and assigns, the right to construct beach access structures in accordance with any applicable federal, state, or local laws or regulations, provided that: such structures shall not violate the integrity of the dune in shape, dimension, or function; prior approval of the plans and specifications for such structures is obtained from the designated representative of the County; and such structures are subordinate to the construction, operation, maintenance, repair, rehabilitation, and replacement of the project; and further reserving to the Grantor, its heirs, successors, and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easements hereby created and conveyed; subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines and further subject to the terms and conditions of those certain public beach purposes easements in favor of the general public.

The term of this consent of use shall commence on the date that Broward County awards the contract for the first construction of Segment II of the Broward County Shore Protection Project and shall terminate fifty (50) years after the date of completion of the first construction of the project. In the event the County fails to award the contract for construction of Segment II of the Broward County Shore Protection Project on or before December 31, 2016, this consent of use shall automatically terminate and be cancelled of record.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed on the date first above written.

WITNESSES:

Caridad Fret

Caridad Fret

[Witness type or print name]

Shelley R. Bartholomew

Shelley R. Bartholomew

[Witness type or print name]

(CORPORATE SEAL)

Approved as to form:

[Signature]

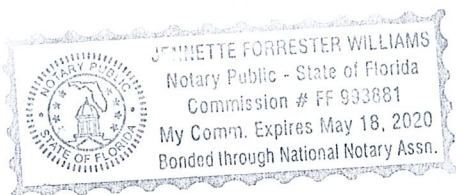
Mark Berman, City Attorney

STATE OF FLORIDA:

COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 14 November, 2019, by **REX HARDIN**, Mayor of the CITY OF POMPANO BEACH, a municipal corporation of Florida. He is personally known to me and did not take an oath.

(SEAL)



CITY OF POMPANO BEACH

By: [Signature]

Rex Hardin, Mayor

By: [Signature]

Greg Harrison, City Manager

ATTEST:

[Signature]

Ascelela Hammond,
City Clerk

[Signature]
Notary Public, State of Florida
(Signature of Notary taking
Acknowledgment)

Jennette Forrester Williams

Name of Notary Typed,
Printed or Stamped

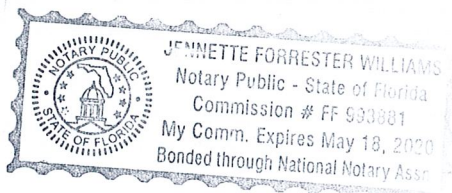
My Commission Expires:

Commission Number

STATE OF FLORIDA:
COUNTY OF BROWARD:

The foregoing instrument was acknowledged before me this 14
November, 2019, by **Greg Harrison**, City Manager of the CITY OF POMPANO
BEACH, a municipal corporation of Florida. He is personally known to me and did not take an
oath.

(SEAL)



Notary Public, State of Florida
(Signature of Notary taking
Acknowledgment)

Name of Notary Typed,
Printed or Stamped

My Commission Expires:

Commission Number

Exhibit "A" Legal Description – Pompano Beach

That portion of the property described as the "Legal Description" that is landward of the Erosion Control Line and seaward of any bulkhead, seawall, revetment, privacy wall, or fence that exists on the property.

Broward County Shore Protection Project – City of Pompano Beach Properties.

No. 1

Right of Way

Folio Number: 484329070000

No. 2

Address: BAY DR POMPANO BEACH FL 33062

Folio Number: 484329070040

Legal Description: HILLSBORO SHORES SEC C AM PLAT 33-37 B N 75 OF S 225 BLK 1

No. 3

Address: BAY DR POMPANO BEACH FL 33062

Folio Number: 484329070031

Legal Description: HILLSBORO SHORES SEC C AM PLAT 33-37 B BLK 1 S 10

No. 4

Right of Way

Folio Number: 484329030000

No. 5

Right of Way - NE 16th Street End

Folio Number: 484329010000

No. 6

Address: 3424 NE 16 ST POMPANO BEACH FL 33062

Folio Number: 484329010060

Legal Description: SUB OF N 800 OF S 2000 OF GOV LOT 3 29-48-43 1-25 B LOT 20 LESS W 300

No. 7

Right of Way - NE 13th Street End

Folio Number: 484329010000

No. 8

Right of Way - NE 13th Street End

Folio Number: 484330010000

No. 9

Right of Way - NE 10th Street End

Folio Number: 484330000000

No. 10

Right of Way - NE 5th Court End
Folio Number: 484331140000

No. 11
Address: 500 N OCEAN BLVD POMPANO BEACH FL 33062
Folio Number: 484331080020
Legal Description: SILVER BEACH 22-32 B LOT 2 N 39.21,3 S 39.21,LESS W 15 FOR A1A

No. 12
Address: 498 N OCEAN BLVD POMPANO BEACH FL 33062
Folio Number: 484331080010
Legal Description: SILVER BEACH 22-32 B LOT 1,2 S 19.60,LESS W 15 FOR A1A

No. 13
Right of Way - NE 5th Street End
Folio Number: 484331080000

No. 14
Address: 410 N POMPANO BEACH BLVD POMPANO BEACH FL 33062
Folio Number: 484331010010
Legal Description: POMPANO BEACH 2-95 PB LOTS 1 THRU 8 BLK 1

No. 15
Right of Way
Folio Number: 484331010000

No. 16
Address: 230 N POMPANO BEACH BLVD POMPANO BEACH FL 33062
Folio Number: 484331010180
Legal Description: POMPANO BEACH 2-95 PB LOTS 1 THRU 10 BLK 6

No. 17
Right of Way - NE 3rd Street End
Folio Number: 484331010000

No. 18
Address: 250 N POMPANO BEACH BLVD POMPANO BEACH FL 33062
Folio Number: 484331010200
Legal Description: POMPANO BEACH 2-95 PB LOTS 1 TO 7 BLK 7,LESS POR OF LOT 4 BLK 7 DESC AS:COMM AT SW COR OF SAID BLK 7,NELY 101.60 ALG W/L OF BLK 7, AND TO POB, CONT NELY 68.56,SELY 120.65,SWLY

No. 19
Right of Way - NE 2nd Street End
Folio Number: 484331010000

No. 20
Address: 100 N POMPANO BEACH BLVD POMPANO BEACH FL 33062
Folio Number: 484331010320

Legal Description: POMPANO BEACH 2-95 PB LOT 1 TO 10 BLK 12

No. 21

Right of Way - NE 1st Street End

Folio Number: 484331010000

No. 22

Address: 20 N POMPANO BEACH BLVD POMPANO BEACH FL 33062

Folio Number: 484331010300

Legal Description: POMPANO BEACH 2-95 PB LOTS 1 THRU 9 BLK 11

No. 23

Address: E ATLANTIC BLVD POMPANO BEACH FL 33060

Folio Number: 484330000033

Legal Description: 31-48-43 POR R/W DEDICATED PER R/W MAP 4-11 TO FDOT & TRANS
TO CITY OF POMPANO PER R/W MAPS 15-121 AND 15-204

No. 24

Address: 2 BRINY AVE POMPANO BEACH FL 33062

Folio Number: 494306060070

Legal Description: BLOUNT BROS POMPANO BEACH SUB 2-43 B LOT 1 BLK 1

No. 25

Right of Way - SE 2nd Street End

Folio Number: 494306060634

No. 26

Right of Way - SE 4th Street End

Folio Number: 494306060634

No. 27

Right of Way - SE 6th Street End

Folio Number: 494306060634

No. 28

Right of Way - SE 8th Street End

Folio Number: 494306030000

No. 29

Right of Way - SE 12th Street End

Folio Number: 494306050000